

WHITEHEAD DECLARATION
EXHIBIT G

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR,)	
FERNANDO AGUIRRE-URBINA,)	
individually and on behalf of all)	
those similarly situated,)	
Plaintiffs,)	
vs.)	No. 17-cv-05769-RJB
THE GEO GROUP, INC., a Florida)	
corporation,)	
Defendant.)	

Videotaped
Deposition Upon Oral Examination of
ERWIN K. DELACRUZ

9:33 a.m.
Monday, December 2, 2019
1019 Regents Blvd., Suite 204
Fircrest, Washington

REPORTED BY: Keri A. Aspelund, RPR, CCR No. 2661

1 A. -- yes, that's fine.

2 Q. -- we're talking about the same facility.

3 A. Mm-hm.

4 Q. All right. And I think this brings up two
5 situational rules.

6 It's really important that you let me finish my
7 question before you go into your answer. We've got a court
8 reporter, she's taking down everything that we say, but the
9 transcript just looks really jumbled if we're talking over
10 one another.

11 A. Okay.

12 Q. The second thing is, please answer my questions
13 with words. Uh-huhs, head nods, head shakes, again, they
14 just won't be captured on the written transcript. So will
15 you answer my questions with words?

16 A. Sure. Yes, sir.

17 Q. So tell me, who's housed at the Northwest
18 Detention Center?

19 A. It's -- it's all -- how do I say that?
20 These are all people that have not been --
21 that's either seeking asylum or have not -- are not U.S.
22 citizens, and this is just one way of processing or --
23 processing the people that have not -- that are either
24 illegal aliens or not U.S. citizens.

25 Q. Is it your understanding that people are being

1 held there as punishment?

2 A. No.

3 MS. SCHEFFEY: Object to form.

4 Q. No?

5 A. No.

6 Q. Do you believe there's any penal or punishment
7 component at all to the people that are being housed there?

8 A. No.

9 Q. What do you understand about this lawsuit?

10 A. Not -- I don't get into the politics or any of
11 that. I just -- I just go to work there.

12 Q. Is there a lot of gossip or talk at work about
13 this?

14 A. Not really. I just do my job.

15 Q. Have you ever had any conversations with any of
16 your coworkers about this lawsuit?

17 A. No.

18 I'm totally just -- I'm mostly by myself trying
19 to get my job done.

20 Q. And Ms. Henderson, did you talk to her about her
21 deposition?

22 A. No.

23 Q. And do you know who I'm referring to when I say
24 Ms. Henderson?

25 A. Yes.

1 MS. BRENNEKE: Are you doing continuing
2 exhibits?

3 MR. WHITEHEAD: Sure.

4 Can we call this -- so this will be 299?

5 MS. BRENNEKE: I think it's 298, but if you want
6 to be safe --

7 MR. WHITEHEAD: 298.

8 MS. BRENNEKE: -- you can go with 299.

9 MR. WHITEHEAD: Let's call it 300.

10 MS. BRENNEKE: Okay.

11 MR. WHITEHEAD: All right, to be safe, we're
12 going to call this Exhibit-300.

13 (Exhibit-300 marked.)

14 Q. You've just been handed Exhibit-300.

15 Have you seen this document before?

16 A. It probably was in July, when I first started.

17 Q. Does this appear to be the job posting that you
18 responded --

19 A. Correct --

20 Q. -- to?

21 A. -- yeah.

22 Yes, it is.

23 Q. And then on the back side of the document, it
24 gives a summary of the primary duties and responsibilities;
25 do you see that?

1 A. Yes.

2 Q. Is that an accurate statement of your duties and
3 responsibilities?

4 A. Yes, it is.

5 Q. Is there anything that you would add to the
6 list?

7 A. No, it pretty -- it's -- it's accurate.

8 Q. If you look there, I think it's the sixth dash
9 down, it says "Directs work, provides training and performs
10 inspection of work performed by detainee food service
11 staff."

12 Do you see that?

13 A. Yes.

14 Q. Can you tell me, how is it that you direct the
15 work of the detained workers?

16 A. For my -- I'll get -- let's say rations will
17 roll in, will come in, because I come in on a swing shift,
18 starts at 1, 1300, and I'll have maybe ten pallets to 12
19 pallets of rations to bring in, and I'll bring in as many
20 through the corridor, and once I bring them through the
21 corridor, I'll have detainees, two, at the minimum of two,
22 to help me pull the rations through the double door to
23 bring it into the kitchen for the -- so we can take them
24 and place them into the refrigerators, in their proper
25 refrigerators.

1 And there's a lot of times, when there's not
2 enough detainees, I push them to -- I let them -- the cooks
3 have -- have all the detainees, and I will then doing it by
4 myself.

5 Q. And so that's one example, the rations.

6 I guess what I'm looking for is a list, and you
7 can speak at a high level, but I'm looking for the type of
8 work that you direct the detainee workers in.

9 A. Yeah, it's rotating rations, bringing them in,
10 rotating the -- all the rations that are coming in.

11 And then -- then the cleanup phase, checking
12 behind my supervisors to making sure that the objectives of
13 cleaning and sanitizing the kitchen is complete. And if I
14 see anything wrong, I just -- okay, this needs to get done,
15 or empty the trash, or as easy as wiping down a table.

16 Q. Okay, anything else?

17 A. Or even the breakdown for the next day. Pulling
18 items from the dry room, putting them on carts so it makes
19 the next day a much smoother operation in getting all the
20 food out on time and just -- and the prep work, a lot of
21 the prep work needs to get done.

22 And we direct the detainees to helping us
23 offload, load, retrieving bags, boxes from the freezer, and
24 the dry room, and so forth.

25 Q. Anything else?

1 A. No.

2 Q. All right, so to summarize, you said rotating
3 rations --

4 A. Mm-hm.

5 Q. -- work in the cleanup phase, breaking down for
6 the next day --

7 A. Yes.

8 Q. -- prep work?

9 A. Prep work.

10 Q. Did I get that right?

11 A. Yes.

12 Q. Now, in directing the detained workers through
13 these various tasks, are you expecting the detained workers
14 to follow your directives?

15 MS. SCHEFFEY: Object to form.

16 A. If they -- if I ask them to come to help me,
17 it's because I've already went through their cook
18 supervisor to see if they need them, and this is -- can you
19 give me -- or can you loan me two -- because we're moving
20 rations, and -- and they would always send me two. And
21 even if they do or they don't, it doesn't -- if they don't
22 want to feel like working, you know, during that time, then
23 you can have them and I'll just take the one. Sometimes
24 it's just because I know they won't be able to do it or
25 they might not need to do it. I don't -- I don't judge

1 A. No.

2 Q. In directing the detainee workers, are you also
3 directing them to comply with GEO's rules and regulations?

4 A. Only for food service, if I see any not wearing
5 beard nets or not washing your hands. Keeping sanitation
6 is the utmost for feeding the people in the facility. So
7 sanitation would be the number one.

8 Q. And if a detainee worker was not complying with
9 these rules and regulations -- well, strike that.

10 Why is it important for the detainee workers to
11 comply with GEO's rules and regulations in the kitchen?

12 A. That's more of a -- I would say a federal
13 guideline, but you would want to maintain a clean
14 environment. So we -- we tell them politely, Could you
15 please put your beard net on, and they -- they really do.
16 They follow what we tell them to do. Go wash your hands,
17 make sure that you put fresh gloves on, or okay, everybody
18 get off the line, wash your hands, change your gloves,
19 clean the line, so we can do the next rotation of trays,
20 and they do it, and they follow directions.

21 Q. And you -- I said that these were GEO's rules
22 and regulations, and you said that you think some of them
23 are federal; did I get that right?

24 A. It's a federal guideline, but you know, we do
25 follow the policies that are given to us, and -- and that's

1 MS. SCHEFFEY: Yes, of course.

2 MR. WHITEHEAD: Thank you.

3 Q. So when you're talking about the manager in your
4 job and ensuring compliance, you're talking about
5 compliance in the kitchen with rules and regulation;
6 correct?

7 A. Yes.

8 Q. And when it comes to the kitchen, these rules
9 and regulations are final; is that correct?

10 MS. SCHEFFEY: Object to form.

11 A. We follow the -- the guidelines for sanitation
12 and making sure that the job is complete and that we follow
13 compliance.

14 Q. Well, let's look at the next line down, 6.2.

15 A. Sure.

16 Q. "Ensure every man has beard guards, hairnets,
17 facility grooming requirements."

18 Do you see that?

19 A. Yes.

20 Q. Is there any wiggle room in that?

21 A. All of them should be wearing beard guards,
22 hairnets, and if -- and the beard net is -- it's -- I mean,
23 it's -- they all wear it, they all wear it, and they have
24 to wear it. You wouldn't want hair in your food. So these
25 are the -- these are just part of the compliance.

1 Q. So in that way, the detainee workers have no
2 discretion to disregard these rules?

3 MS. SCHEFFEY: Object to form.

4 A. No, we tell them, and we always -- before they
5 even start work, that's why it's important for the
6 beginning of the workday to make sure you got your hairnet,
7 beard net on before you enter the facility -- or the food
8 production area.

9 Q. Well, you began your answering by saying no, but
10 I think you're agreeing with me.

11 Do you agree that the detainee workers have no
12 discretion to deviate from the sanitation rules?

13 MS. SCHEFFEY: Object to form.

14 A. That's what -- I -- I guess I could be saying
15 that, but maybe I mis -- miscommunicated or did not
16 understand the question.

17 Q. All right, well here comes one of those yes or
18 no questions I talked about in the beginning.

19 A. So --

20 Q. Do the detainee workers have discretion to
21 deviate from --

22 A. No.

23 Q. -- GEO's --

24 A. Sorry.

25 Q. I'll start over.

1 Do the detainee workers have discretion to
2 deviate from GEO's sanitation rules and regulations; yes or
3 no?

4 A. No.

5 (Exhibit-302 marked.)

6 THE COURT REPORTER: This is Exhibit-302.

7 Q. You've just been handed Exhibit-302. It's
8 titled Policy and Procedure Manual, Chapter: Food Service,
9 Title: Food Service Operations, Number: 4.3.1.

10 Have you seen this before?

11 A. Yes.

12 Q. And what are we looking at here?

13 A. This is the -- the policy and procedures on the
14 manual for the PBN -- PBNSE. It's 4 dash --

15 (Reporter requested clarification.)

16 Q. PBN --

17 A. D.

18 MS. SCHEFFEY: S.

19 A. S.

20 Sorry.

21 Q. Performance-Based National Detention --

22 MS. SCHEFFEY: Detention.

23 Q. -- Standards?

24 A. Correct.

25 Sorry.

1 A. I'm -- I'm kinda in between.

2 Q. Okay.

3 A. Because it says -- because it is a assistant
4 food service manager, but it -- I can take that role as fit
5 to when the manager is not available.

6 Q. Okay.

7 A. But it's kind of like there's two paragraphs, so
8 the bottom paragraph would be more my job title.

9 Q. And when you say bottom paragraph, it's the one
10 that begins --

11 A. It's the second one.

12 Q. -- begins "The Food Service Manager is" --

13 A. Is also responsible, planning, controlling --
14 (Reporter requested clarification.)

15 THE WITNESS: Oh, I'm sorry. Sorry about that.

16 Q. We're looking at the second paragraph that says
17 "The Food Service Manager is also responsible for planning,
18 controlling, directing, and evaluating food service," and
19 then it continues on?

20 A. Yes.

21 Q. And you believe that second paragraph there is
22 more in line with what you do?

23 A. Yes.

24 Q. What about the cook supervisors, what do they
25 do?

1 A. They -- they prepare -- they prepare the next
2 meal as they come in, and serve, bring in the detainees,
3 also get everything set up for that meal to be served.

4 Q. Do they do the actual cooking?

5 A. Yes.

6 Q. And that's true even when there are detainee
7 workers in the kitchen --

8 A. Yes, they do.

9 Q. And the cook supervisors, they report to Ms.
10 Henderson?

11 A. Yes.

12 Q. How many cook supervisors are there currently?

13 A. There's three on each shift, but there's --
14 there's ten -- ten cook -- ten cook supervisors, one
15 manager, one assistant manager, and one clerk. There's 13
16 in total.

17 Q. So the total kitchen personnel is 13 people?

18 A. Yes.

19 Q. Two managers, being yourself and Ms. Henderson?

20 A. Yes.

21 Q. Ten cook supervisors?

22 A. Yes, correct.

23 Q. And then one clerk?

24 A. Yes.

25 Q. And then on the second page of Exhibit-302,

1 needs. That's probably policies above me.

2 Through the voluntary program, if we have the
3 personnel or not, no matter what, we're still going to work
4 in our area and continue with the amount of personnel that
5 we have.

6 Q. And I understand that you'll make due --

7 A. Right.

8 Q. -- if you have to --

9 A. Yes.

10 Q. -- correct?

11 And by make due, I mean that you'll roll your
12 sleeves up and do the work yourself; correct?

13 MS. SCHEFFEY: Object to form.

14 A. Correct.

15 Q. But are there times that if you had your
16 druthers, you'd have more detainee workers to help with the
17 work?

18 MS. SCHEFFEY: Object to form.

19 A. Sometimes we bring in other clerks from other
20 areas to help us, to serve it, to serve the meal.
21 Sometimes we -- we just put it -- you know, we got
22 everything in the warmers, we're ready to go, and we will
23 draw from other parts of the facility to get the meal out.

24 Q. And then, let's see, item 12 there on that same
25 page, it's the heading Detainee Orientation and Training.

1 Do you see that?

2 A. Yes.

3 Q. Tell me about the detainee orientation and
4 training that GEO provides.

5 A. We have a pamphlet for them to look over, it's
6 in English and in Spanish, and we have them go through each
7 line, which usually is the desk officer sits them down on
8 their first day of work, and each line has a particular --
9 make sure you bring your hairnets, your beard nets, follow
10 the rules through the officers to how to work, because it's
11 an OJT program, so on-the-job training.

12 So as they go through the kitchen, they're going
13 to be set through three different areas, either the
14 sanitation, the cooking, or the serving area, and they're
15 dispersed, and they'll -- and after they fill out all their
16 paperwork, initial all the -- the -- the paperwork is all
17 done, and then they're broken down into areas, and they're
18 buddied up with other detainees that's been there. If not,
19 then they will be sent to a kitchen staff member, and then
20 they can go from there to what they want them to do or need
21 them to do.

22 Q. So if a detainee worker lacks any kitchen work
23 experience, GEO provides them with the training they need
24 to do the job?

25 A. We --

1 MS. SCHEFFEY: Object to form.

2 A. We only ask them to do things that's easy to do,
3 nothing technical. Just get the boxes in, or put them
4 away, or help me lift this over, put it in the pot. Just
5 to get that portion, it's pretty much straightforward.

6 Q. Even so, GEO provides them with basic training,
7 on-the-job training?

8 A. Yes, it's on-the-job training.

9 So people -- not everybody's a five star chef
10 that goes there, but they're all walks of life. So it's
11 not discriminatory at all, it's just I would like to -- I'd
12 love when people are there, and they help us, and that's
13 the main objective.

14 And then, you know, it's -- it's part of the
15 time to get them out of the pod if -- if they see fit,
16 because they volunteer -- voluntarily came to work in the
17 kitchen, and a lot of times they stay there, they do.

18 Q. And again, when we say voluntary, I mean, they
19 volunteered to work in return for pay; correct?

20 A. Yes, if -- if that's what their goal is, to get
21 paid, then that's fine.

22 Q. I mean, they weren't working for free?

23 A. Yeah, of course not.

24 MS. SCHEFFEY: Object to form.

25 Q. Of course not, right.

1 So GEO provides on-the-job training as it
2 relates to sanitation --

3 A. Mm-hm.

4 Q. -- correct?

5 A. Yes.

6 MS. SCHEFFEY: Object to form.

7 Q. GEO provides on-the-job training as it relates
8 to cooking the food; correct?

9 MS. SCHEFFEY: Object to form.

10 A. No, cooks are the ones that do the cooking, they
11 just helping.

12 Q. I understood you to say that there was
13 on-the-job training in three respects, sanitation?

14 A. Yes.

15 Q. I got that right?

16 A. Yeah.

17 Q. And I thought cooking was part of it as well?

18 MS. SCHEFFEY: Object to form.

19 A. It's only to help us produce -- or -- or help in
20 the labor part to bringing the food on -- into the pots and
21 stuff, and -- I mean, to the -- to the kettles, and -- and
22 to get all that done. And yeah, we help them, and they
23 learn a little, and they learn also how to put it in, and
24 how to cook it, how long we should cook it. It's just part
25 of the program.

1 Q. Now, as it relates to cooking, is it fair to say
2 that the detainee workers are assisting with the cook?

3 A. They assist the cook when needed.

4 Q. All right. And GEO provides training with
5 respect to that cooking assistance --

6 MS. SCHEFFEY: Object to form.

7 Q. -- correct?

8 MS. SCHEFFEY: Sorry.

9 A. They can -- it will help them in the long run
10 when they do teach them or OJT.

11 Q. Do you understand my question?

12 A. I was -- I -- yeah, I don't understand. I was
13 just -- I --

14 Q. Okay, well let me try again.

15 A. Try again. Sorry.

16 Q. We're talking about training, and you said that
17 the detainee workers assist with the cooking; did I get
18 that right?

19 A. Correct.

20 Q. And GEO provides on-the-job training to the
21 detainee workers as it relates to assisting with the
22 cooking?

23 A. Yes.

24 MS. SCHEFFEY: Object to form.

25 Q. And then finally, you said that GEO provides

1 on-the-job training as it relates to serving; did I get
2 that correct?

3 A. Correct, because that's going to be the next
4 phase, and we're supervising.

5 Q. Now, this Exhibit-302, the policy 4.3.1 about
6 food service operations, these encompass the baseline for
7 what GEO must do with respect to its kitchen operations?

8 MS. SCHEFFEY: Object to form.

9 A. Yes.

10 Q. And it's your job to make sure that the detainee
11 workers hold up their end of the rules and regulations here
12 in 4.3.1?

13 MS. SCHEFFEY: Object to form.

14 A. Yes.

15 Q. Tell me about your performance as food
16 production manager.

17 If I were to ask Bert Henderson, What's Mr.
18 Delacruz like as a -- as a worker, what would she say about
19 your performance?

20 MS. SCHEFFEY: Object to form.

21 A. That I properly do my job and execute missions
22 that is governed by her, and that I execute them correctly.
23 And if I have any question, I go right to her and ask her.

24 Q. And you know, I hear you referring to it as --
25 as the mission; is that the way internally --

1 MR. WHITEHEAD: Okay. No, I certainly don't
2 want to tussle with you on this issue, but asking a
3 question, Did anyone work overtime is a foundational type
4 question, and if his answer is no, then so be it.

5 MS. SCHEFFEY: Yes.

6 Q. All right, so you're not aware of anyone working
7 overtime?

8 A. No.

9 Q. Who would know?

10 A. Whoever -- I -- only the person that -- well,
11 really none of them, because we only work -- some of them
12 work ten-hour shifts, and that's part of their -- so they
13 would be complete within ten hours. Mine is eight hours,
14 and I haven't done any overtime during that period.

15 Q. Now, we've talked about GEO personnel in the
16 kitchen and detainee workers in the kitchen; is there ICE
17 personnel in the kitchen during any of this?

18 A. No.

19 Q. Have you observed ICE playing any role in the
20 direction of detainee workers in the kitchen?

21 A. No.

22 Q. I want to talk more about the detainee workers
23 and their role in the kitchen.

24 Can you tell me what the roles are that the
25 detainee workers carry out in the kitchen?

1 A. Just follow the instructions given to them by
2 the cook supervisors, and accomplish the mission that's --
3 or accomplish the procedures that needs to get done.

4 Q. Can you tell me what the detainee workers do
5 with respect to food preparation?

6 A. Is that they're preparing -- they're helping
7 prepare the meal with the cook.

8 Q. And when you say they help prepare the meal,
9 what does that mean?

10 A. Getting boxes, or putting in the vegetables in
11 the pot, or -- or as simple as panning up -- prepping items
12 for the next day.

13 Q. And prepping items for the next day; cutting up
14 ingredients, for example?

15 A. Mostly it's panning up preformed items onto
16 sheet pans --

17 Q. And --

18 A. -- like chicken patties, or fish patties, those
19 type of products.

20 Q. And that's literally placing the product on the
21 pan?

22 A. On the sheet pans, correct.

23 Q. Okay, so getting boxes, putting vegetables in
24 the pan, panning up --

25 A. Yes.

1 Q. Panning up after the food is done?

2 A. Correct.

3 Q. You mentioned that they cook food on the
4 stovetop, and scrambled eggs was your specific example?

5 A. Yes.

6 Q. That they put food in the oven and take food out
7 of the oven?

8 A. Yes.

9 Q. Now, in those various tasks, do -- strike that.

10 In those various tasks, does GEO direct the
11 workers in performing the job to be done?

12 A. Yes, there's always a cook supervisor that's
13 above them to -- making sure that everything gets done, and
14 also the cook's helping out at the same time.

15 Q. Do the detainee workers have discretion to
16 change the menu?

17 A. No.

18 Q. Do detainee workers that come to the kitchen
19 with prior experience as cooks get paid more for having
20 more skill?

21 A. No.

22 Q. Does GEO provide the equipment necessary for the
23 food preparation?

24 A. Yes.

25 Q. Could the detainee workers carry out food

1 preparation in some other part of the Northwest Detention
2 Center if they wanted to?

3 A. No.

4 Q. Say peel potatoes in the yard or something?

5 A. No.

6 Q. Could the detainee workers perform this food
7 preparation outside of the Northwest Detention Center?

8 A. No.

9 Q. Okay. So back to food service.

10 You were talking about essentially plating the
11 meals --

12 A. Mm-hm. Yes.

13 Q. -- is that fair to say?

14 A. Yes.

15 Q. Okay. So in addition to plating the meals, what
16 else do the detainee workers do with respect to food
17 service?

18 A. Then they load the -- the trays onto the carts
19 to -- to -- for them to get picked up by the -- the pod
20 sends out a team to come and retrieve the cart with the
21 food on it, and it's locked up prior to it leaving our
22 facility -- our food service facility to the -- to their
23 pod.

24 Q. Okay.

25 A. So all the meals are on it, and we verify it.

1 A. Yeah.

2 Q. -- about cleaning in a moment.

3 A. Yeah.

4 Q. So if I understand you correctly, as it relates
5 to food service, we're talking about serving and plating
6 the meals --

7 A. Mm-hm.

8 Q. -- correct?

9 A. Correct.

10 Q. We're talking about loading trays onto carts and
11 getting the carts back; correct?

12 A. Correct.

13 Q. We're talking about counting the meals to make
14 sure we've got the appropriate number of meals, whatever
15 the dietary --

16 A. Dietary --

17 Q. -- restrictions maybe?

18 A. Correct.

19 Q. We're talking about getting products from the
20 warmers and swapping out food?

21 A. Right, bringing them onto the serving line, yes.

22 Q. We're talking about taking trays back for
23 sanitation?

24 A. Mm-hm. Yes.

25 Q. And putting away the rations?

1 A. Yes.

2 Q. Now, in carrying out each of these tasks, is GEO
3 directing the work of the detainee workers?

4 MS. SCHEFFEY: Object to form.

5 A. The cook staff is supervising them during this
6 time.

7 Q. This is GEO; correct?

8 A. Yes. Yes, it's GEO.

9 Q. Now, in serving the meals, could a detainee
10 worker decide to give detainees extra portions of food?

11 A. That's why we're on the line, ensuring that --
12 that no -- the amount that is given, that's the amount that
13 should be given to all.

14 Q. And when you say "we," you mean that GEO is
15 supervising the detainee workers to make sure that the
16 serving is done correctly?

17 A. Because we follow a guideline from our staff,
18 which is the menu plan, and if it says one cup, one cup
19 is -- it's a dietary allowance for the day, and one -- and
20 just for the instance, breakfast, four ounces, or three
21 ounces, or six ounces, then that's what is given and what
22 we prepare for. And it's -- and that way everyone gets the
23 same throughout the facility, no matter if he's Alpha pod,
24 Bravo pod, or even Delta or Fox, they get the same amount,
25 and we discourage that they not do that, but we're always

1 watching them, so we continue to monitor throughout the
2 feeding time.

3 Q. So you're agreeing with me then that GEO
4 supervises the detainee workers to make sure that the food
5 service is done correctly?

6 MS. SCHEFFEY: Object to form.

7 A. Yes, we're trying to make sure that we hold up
8 our policies.

9 Q. And again, there's no opportunity for a detainee
10 worker to make more money if they were extremely efficient
11 and the best server in the world?

12 MS. SCHEFFEY: Object to form.

13 A. It's totally a voluntary mission -- or job, and
14 it -- it just helps them to come in and help us. It's just
15 part of the voluntary program.

16 Q. I certainly understand that, but I mean, to my
17 question specifically, are you aware of an opportunity for
18 the food servers to make more money if they work more
19 efficiently?

20 A. Not really. No.

21 Q. And GEO provides all of the equipment necessary
22 to do the food service; correct?

23 A. Correct.

24 Q. Detainee workers, for example, couldn't use some
25 nonauthorized serving utensils?

1 A. No.

2 Q. All right, let's talk about food storage.

3 Can you tell me what role, if any, the detainee
4 workers carry out with respect to food storage?

5 A. During that time, or any given day, there is
6 probably eight, maybe ten, 12 pallets that was delivered
7 from one vehicle, and I pull them through the corridor, and
8 then we -- as I going through them, we -- we rotate the
9 stock by pulling all the older stuff to the front and
10 putting all the one that came in second, because we date
11 everything that comes in, and we respect the date and when
12 their shelf life. We'll just say vegetables, and carrots,
13 potatoes, fruits, apples, oranges, a pretty basic setup,
14 bring the pallets in, bring in the one item, the one
15 particular item in first, or it might be 30 cases of
16 apples, bring them in, put them behind the one that's
17 already -- already in there, and -- or we slide the one
18 that's already in there to the front, and then we load it
19 through the back.

20 Q. And the -- the dating, do the detainee workers
21 date the food?

22 A. We -- I do, or I give them a pen and just -- I
23 just tell them line them all up, and then we're going to
24 date everything, and we both do it. We do it as a team.

25 Q. All right, so there's unloading the pallets, and

1 Q. Now, as it relates to cleaning, does GEO provide
2 all of the cleaning equipment and products needed?

3 A. Yes.

4 Q. Could detainee workers clean in some way other
5 than what's been authorized or directed by GEO?

6 A. No.

7 Q. Say, for example, if a detainee had some great
8 home remedy for, you know, getting out grease stains, could
9 they deviate from what GEO has directed?

10 A. No, they cannot bring any -- they -- there's
11 no -- no. We -- they only use our products, what we
12 supply.

13 Q. And I take it that this all corresponds with
14 what we were talking about earlier, about the importance of
15 sanitization in the kitchen --

16 A. Correct.

17 Q. -- in that that's part of the reason why
18 cleaning is important and that it must be done in the way
19 that GEO has directed; correct?

20 MS. SCHEFFEY: Object to form.

21 A. Correct.

22 Q. All right, so we talked about food preparation,
23 food service, food storage, and cleaning; are there any
24 other big buckets of work that we're missing that the
25 detainee workers do in the kitchen?

1 (Exhibit-303 marked.)

2 THE COURT REPORTER: This is Exhibit-303.

3 Q. You've just been handed Exhibit-303, a document
4 on its face says Food Cost Summary.

5 What are we looking at here?

6 A. This is a weekly -- let's say from December 1st
7 through the 7th, that's how many personnel that we fed
8 through the week, how much food usage that we used, or how
9 much food we cooked, what our inventory was at the time,
10 how much we purchased, what we began our inventory with,
11 and the total meals for that week, and then how much staff
12 we fed for that week.

13 Q. So this is just a record then of the --
14 basically data for food service for the month of December
15 2015?

16 MS. SCHEFFEY: Object to form.

17 A. Yes, for that month.

18 Q. Is that your signature that we see there next to
19 your name printed under the Food Service Manager line?

20 A. No, that's Ms. Henderson.

21 Q. Actually, we see two signatures there.

22 A. The other one is the assistant warden.

23 Q. Have you signed forms like this in the past?

24 A. Yes, while the manager is not available.

25 Q. So when it says "Inmate" in the second column

1 there, that's the total number of meals served?

2 A. Yes, 34,020 -- now, that could be the -- because
3 this is an older form, that could be the population
4 estimate for that week.

5 Q. And actually, yeah, I see a third column there
6 that says "Total Meals."

7 A. Total meals is actual what we fed, because the
8 inmate population changes every week of the amount of
9 personnel that are -- that are present, because people get
10 deported, or moved on, or get released, then a new group
11 might show up. Every week there's always a rotation, you
12 know, of people coming in. And this is -- when we get the
13 Total Meals, that's how many meals we actually served,
14 34,444.

15 Q. And the Northwest Detention Center is a -- it's
16 a 1,500 bed or so facility; is that correct?

17 MS. SCHEFFEY: Object to form.

18 A. It could -- it could -- yes.

19 Q. The column there that says "Payroll," what does
20 that refer to?

21 A. Payroll is for that one week, how much -- all
22 the cooks that work there, how much money was spent for
23 their payroll for that week.

24 Q. So that doesn't refer to detainee workers --

25 A. No.

1 Q. -- that's GEO personnel?

2 A. That's just GEO personnel.

3 Q. Do you play any role in determining the staffing
4 levels for detainee workers in the kitchen?

5 A. No. No.

6 Q. That's all Ms. Henderson, or the warden, or
7 someone else?

8 A. That's --

9 MS. SCHEFFEY: Object to form.

10 A. It's a voluntary program. I can't -- I don't --
11 if they -- again, if they volunteer, then that's how many
12 more people we can get, and that's how many people show up.

13 Q. Well, my question isn't -- my question's a
14 little different.

15 A. Oh.

16 Q. I mean, do you play any role in --

17 A. No.

18 Q. -- you know, reviewing the kites or the requests
19 from people to work in the kitchen and deciding that we'll
20 take eight versus 12 versus 25?

21 MS. SCHEFFEY: Object to form.

22 A. No, they -- they'll send it to the work program,
23 and -- and once it goes to the work program, it's the work
24 program that decides to what shift they want, if -- because
25 the -- because now it's all computerized, so it goes

1 and working inside the kitchen.

2 Q. Let's take a look at the first one, the Detainee
3 Job Description, job title is cook.

4 Are you with me there, on the first page?

5 A. Yes.

6 Q. That last section there says "Termination."
7 What does that refer to?

8 A. It could be because he was caught stealing or --
9 or was being disruptive inside the kitchen to coercing
10 other personnel, fighting, not following safety procedures.
11 But at the same time, we try to eliminate it by not letting
12 them get that far. Tell them to stop what -- you know,
13 observe what you're doing, and -- because there's always a
14 supervisor all over them. And then horseplay, misconduct
15 is the same thing.

16 Q. Well, isn't what we're looking here under this
17 heading called Termination, the reasons for which a
18 detainee worker could be fired from their job in the
19 kitchen?

20 A. Yes.

21 MS. SCHEFFEY: Object to form.

22 Q. And you'd agree that failure to follow safety
23 procedures is grounds for termination?

24 MS. SCHEFFEY: Object to form.

25 Q. Correct?

1 A. To an extent. If -- what kind of safety did
2 they -- what kind of safety procedure that they missed or
3 didn't do.

4 Q. And certainly, you know, I think that's a fair
5 distinction --

6 A. Yeah.

7 Q. -- between minor and major violations.

8 A. Correct.

9 I mean, if he accidentally did it, don't -- just
10 stop, and then we'll correct them, and then we can go on
11 from there. And then a lot of times because they never
12 worked in a kitchen before.

13 Q. But you'd agree though that just generally
14 speaking, failure to follow the safety procedures could
15 lead to termination?

16 A. Could, yes.

17 Q. And the same is true of failure to follow
18 supervisor's instructions, that it could lead to
19 termination?

20 A. Could, yes.

21 Q. The same is true of unexcused absenteeism, that
22 that could lead to detainee worker termination?

23 A. Yes.

24 Q. Same thing for misconduct, horseplay, et cetera,
25 that it could lead to termination?

1 A. Correct.

2 Q. And certainly theft, that could lead to
3 termination?

4 A. Mm-hm. Yes.

5 Q. And finally, unsatisfactory work performance?

6 A. Correct.

7 Q. And as I look at the other job descriptions here
8 for dishwasher, food prep, kitchen light duty, kitchen line
9 backup, kitchen line server --

10 A. Mm-hm.

11 Q. -- kitchen pots and pans, kitchen storeroom
12 puller, kitchen utility --

13 A. Yes.

14 Q. -- they all repeat those same six grounds for
15 termination?

16 MS. SCHEFFEY: Object to form.

17 A. Yes.

18 Q. Now, each of these job descriptions also list
19 specific work duties.

20 A. Yes.

21 Q. And we can certainly look at them individually,
22 but I just want to talk in general.

23 A. Mm-hm.

24 Q. GEO's expectation is that the detainee workers
25 carry out the specific work duties mentioned in each of

1 these job descriptions; correct?

2 MS. SCHEFFEY: Object to form.

3 A. Yes.

4 Q. And it's true that the detainee workers are not
5 paid extra if they are exemplary performers in their job;
6 correct?

7 MS. SCHEFFEY: Object to form.

8 A. Correct.

9 Q. And the detainee workers have no discretion in
10 carrying out the various job duties listed here on these
11 job descriptions; correct?

12 MS. SCHEFFEY: Object to form.

13 A. Correct.

14 Q. And GEO provides the training necessary for the
15 detainee workers to carry out each of their specific work
16 duties; correct?

17 A. Well, under --

18 MS. SCHEFFEY: Object to form.

19 A. -- under supervision, yes.

20 Q. And GEO provides -- I think I may have already
21 asked, but GEO provides all of the equipment necessary;
22 correct?

23 A. Yeah.

24 MS. SCHEFFEY: Object to form.

25 A. Correct.

1 THE COURT REPORTER: This is Exhibit-306.

2 Q. You've just been handed Exhibit-306.

3 What are we looking at here?

4 A. This is a Detainee/Staff Health and Hygiene.

5 So detainees are coming in at 4 in the morning,

6 and the desk officer will have each detainee come to them,

7 because they gotta turn in their ID card, and at the same

8 time, looking for cuts, if he has a runny nose, hands,

9 fingernails are trimmed, and to extent where it's

10 satisfactory that he doesn't have any cuts, he doesn't have

11 any open sores, this will -- can determine if he needs to

12 go back to the pod or -- or go to see medical.

13 Q. And this is an inspection then --

14 A. Yes, this is just an inspection prior to him to

15 be working.

16 Q. An inspection conducted by GEO; correct?

17 A. By the officer, the desk officer that comes

18 in --

19 Q. And --

20 A. -- that's there.

21 Sorry.

22 Q. Let's try again.

23 So this is an inspection performed by GEO's desk

24 officer before the start of each shift?

25 MS. SCHEFFEY: Object to form.

1 A. Yes.

2 Q. And if any of these checked boxes are marked as
3 unsatisfactory under cuts, open sores, cough, runny nose,
4 hands, fingernails, it may be grounds to return that
5 kitchen worker back to their pod?

6 A. And seek medical -- seek medical help to help
7 them. Because sometimes they -- they might not know, and
8 you need to go -- go see the medic that morning, and then
9 he'll get authorization to come back to work if not.

10 Q. Does GEO hold safety meetings for its detainee
11 kitchen workers before their shifts?

12 A. This is part of the safety.

13 Q. Tell me about the safety meetings.

14 A. Is to make sure that they keep -- make sure
15 their beard nets are on, hair nets are on, their hands,
16 wash their hands, put gloves on, make sure the sinks are
17 on, the water -- make sure all the soaps are full, and make
18 sure they got their boots on, and change their clothes,
19 we'll give them the white smocks, and make sure they're
20 clean.

21 Q. So this is GEO then inspecting the kitchen
22 workers to make sure that they're fit for duty that day?

23 A. Correct.

24 MS. SCHEFFEY: Object to form.

25 Q. And you talked about hairnets; is it the case

1 that GEO workers in the kitchen wear uniforms?

2 A. Yes.

3 Q. And these are different than the standard
4 uniforms that they wear in the facility?

5 A. They -- they from the same material but in just
6 white. They can't use their pod or their color uniforms as
7 kitchen workers, that's why we give them the white smocks.

8 Q. What's your understanding of why they can't just
9 wear their standard --

10 A. Because they have -- they have to go back --
11 they gotta go back with those clothes, and you don't want
12 to be smelling like chicken.

13 Q. So what do the kitchen uniforms consist of?

14 A. White pants and a white shirt.

15 Q. Are there special -- is there special footwear
16 that the workers wear?

17 A. Yes, we -- we give them the black boots, our
18 close to knee high boots.

19 Q. Is there anything else that makes up the kitchen
20 uniform?

21 A. No, that's it.

22 Q. So white pants, white shirt, and black boots?

23 A. Correct.

24 Q. And these are all items that GEO provides to the
25 workers?

1 A. Yes.

2 Q. And if a detainee worker says, I want to wear my
3 normal clothes, what do you say?

4 A. No, you go change out and put on your cook
5 whites or the white uniform.

6 Q. And if the detainee kitchen worker refuses, they
7 don't get to work that day; correct?

8 MS. SCHEFFEY: Object to form.

9 A. That would be entirely up to the manager at that
10 point, because I'll just say, You sit right here.

11 Q. Have you ever encountered that situation before?

12 A. No, I haven't.

13 Q. Well, based on your years of work experience
14 with Ms. Henderson, what do you think she would say if a
15 detainee worker said, I don't want to change?

16 MS. SCHEFFEY: Object to form.

17 A. You know, I haven't seen it happen, but I don't
18 know.

19 (Exhibit-307 marked.)

20 THE COURT REPORTER: This is Exhibit-307.

21 Q. You've just been handed Exhibit-307. It's a
22 two-page document.

23 What are we looking at here?

24 A. Detainees removed from the kitchen because of
25 what they have done.

1 bounce that off this. Did all of them show up? Who didn't
2 show up? He might have been deported, or he might have
3 been let out, or sick, or in the lawyer's office, or could
4 be anywhere, visitation, and that's why he didn't show up.

5 Q. But the bottom line is that detainee workers are
6 only paid if an officer signs off on the pay sheet; is that
7 correct?

8 MS. SCHEFFEY: Object to form.

9 A. Once they show up for work, and then that's --
10 that's when this form is filled out, and then -- then it's
11 signed, and then it's submitted at the end of the shift.

12 Q. So it's the officer basically verifying that the
13 detainee worker showed up and worked their shift?

14 A. Yeah, and he worked the shift.

15 (Exhibit-309 marked.)

16 THE COURT REPORTER: This is Exhibit-309.

17 MR. WHITEHEAD: 309 you said?

18 THE COURT REPORTER: 309, yes.

19 MR. WHITEHEAD: Great, thank you.

20 Q. You've just been handed Exhibit-309.
21 Have you seen a document like this before?

22 A. No.

23 Q. In the bottom right corner of each page is
24 something we call a Bates stamp, and towards the end there,
25 there is a page that's labeled GEO-Nwauzor 026947.

1 Actually, looks like the last four pages.

2 A. Ah, okay. This is what we would receive from
3 the workforce program, the last three -- well, it should be
4 the four sheets, yeah. Yes, this would be what we would
5 receive. These ones, I -- I don't see these, I only see
6 this sheets.

7 Q. And this being the one that looks like it's
8 related to the kitchen, we've got Bates stamp GEO-Nwauzor
9 026947 through 953, and it looks to be labeled Breakfast
10 Shift, Breakfast Shift 2, Lunch Shift --

11 A. Breakfast, lunch, dinner, and cleanup.

12 I think that lunch 2 is really all of the same,
13 it's just like the second page, like lunch shift 2 will be
14 the second page of lunch 1. It's just a continuation.

15 Q. All right, well let's -- let's take them one at
16 a time.

17 A. Yeah.

18 Q. So we are looking at Exhibit-309, we're on the
19 page that bears Bates stamp GEO-Nwauzor 026947. It's the
20 first of the ones that say Breakfast Shift.

21 A. Okay.

22 Q. Are you with me?

23 A. Yep.

24 Q. Okay. Now, this printout, is it done on a daily
25 basis?

1 A. Once a week.

2 Q. Once a week.

3 So what we see here is the schedule then for the
4 entire week?

5 A. Yes.

6 Q. And looking at this one that's labeled Breakfast
7 Shift --

8 A. Mm-hm.

9 Q. -- and then on the very next page, Breakfast
10 Shift 2 --

11 A. Yes.

12 Q. -- is that really just the entirety --

13 A. Just a continuation --

14 Q. -- of the Breakfast Shift?

15 A. Yes, that's just a continuation from the
16 first -- from the front half. This is just like page 2.

17 Q. And if you look at Breakfast Shift and Breakfast
18 Shift 2, there appear to be 33 workers that week --

19 MS. SCHEFFEY: Object to form.

20 Q. -- would you agree?

21 A. That could have been assigned, but how many
22 are -- with all the days off, not all of them are there at
23 any given time.

24 Q. You'd agree with me though that 33 workers were
25 assigned to the breakfast shift that week?

1 A. They were assigned, yes.

2 Q. And then flipping to the lunch shift, this
3 begins on page GEO-Nwauzor 026949, there's Lunch Shift and
4 then Lunch Shift 2.

5 Are you with me?

6 A. Yes.

7 Q. Would you agree that it appears 33 workers were
8 assigned to work the lunch shift --

9 A. Yes.

10 Q. -- that week?

11 A. Yes.

12 Q. Now let's keep going.

13 Let's look at the -- the Dinner Shift. So this
14 begins on page GEO-Nwauzor 026951.

15 Would you agree with me that 33 workers appear
16 to have been scheduled to work that week on the dinner
17 shift?

18 A. Correct.

19 Q. And then we'll look at the last page,
20 GEO-Nwauzor 026953. This is the cleanup shift.

21 It appears that 12 workers were scheduled to
22 work the cleanup shift that week?

23 A. Yes.

24 Q. So this is a schedule; is that right?

25 A. Yes.

1 in completing the detainee worker pay sheet?

2 A. Yes, once they -- personnel that are assigned to
3 the dinner shift, once they come in, we make sure that
4 their names are on here, their A number, and then they go
5 onto the pay sheet, and then we'll -- we'll initial that
6 they're -- that they showed up for -- for work on that day.
7 And this is for the health and welfare check.

8 Q. We're nearing the end. I just -- to recap, GEO
9 trains detainees on all aspects of the kitchen policies and
10 procedures --

11 MS. SCHEFFEY: Object to form.

12 Q. -- correct?

13 A. We supervise the personnel that come into the
14 kitchen.

15 Q. And GEO supervises these workers to ensure that
16 they're complying with the kitchen policies and procedures?

17 A. Yes.

18 MS. SCHEFFEY: Object to form.

19 Q. And GEO holds safety meetings to make sure the
20 detainees are complying with those rules and regulations?

21 A. Yes.

22 Q. GEO keeps training -- or records of the training
23 that the workers receive?

24 MS. SCHEFFEY: Object to form.

25 A. Only the workers orientation checklist.

1 Q. GEO provides the detainee workers with uniforms?

2 A. Yes.

3 Q. GEO provides the detainee workers with all the
4 equipment they need to do their job?

5 MS. SCHEFFEY: Object to form.

6 A. Yes.

7 Q. GEO does not permit detainee workers to deviate
8 from their job descriptions --

9 MS. SCHEFFEY: Object to form.

10 Q. -- is that correct?

11 A. No.

12 Q. No, you're agreeing with me?

13 A. I mean -- I'm sorry.

14 Q. I know, I phrased it poorly.

15 A. Yeah.

16 Q. Detainee workers are not permitted to deviate
17 from their job descriptions?

18 A. No.

19 Q. No, they're not allowed?

20 A. Not allowed.

21 Q. Do you have any reason to believe that the
22 detainee workers were unsatisfied with the dollar a day
23 they received for their labor?

24 A. I can't speak for them.

25 Q. Did anyone ever ask you for a raise?

1

C-E-R-T-I-F-I-C-A-T-E

2

3 STATE OF WASHINGTON)

4) ss.

5 COUNTY OF THURSTON)

6

7 I, the undersigned Registered Professional
8 Reporter and Certified Court Reporter, hereby
9 certify that the foregoing deposition upon oral
10 examination was taken stenographically before me and
11 transcribed under my direction;

9

10 That the witness was duly sworn by me,
11 pursuant to RCW 5.28.010, to testify truthfully; that the
12 transcript of the deposition is a full, true, and correct
13 transcript to the best of my ability; that I am neither
14 attorney for, nor a relative or employee of, any of the
15 parties to the action or any attorney or counsel employed
16 by the parties hereto, nor financially interested in its
17 outcome.

14

15 I further certify that in accordance with CR
16 30(e), the witness was given the opportunity to examine,
17 read, and sign the deposition, within 30 days, upon its
18 completion and submission, unless waiver of signature was
19 indicated in the record.

18

19 IN WITNESS WHEREOF, I have hereunto set
20 my hand this 10th day of December, 2019.

20

21

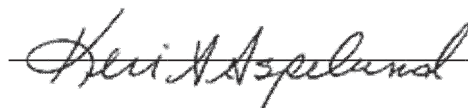
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